



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

& TECHNOLOGY COMMITTEE

Committee Bill 98: AAC PROHIBITING SPOOFING AND CRAMMING

February 3, 2011

TESTIMONY OF THE DEPARTMENT OF PUBLIC UTILITY CONTROL

The Department of Public Utility Control (Department) supports the intent of Committee Bill No. 98. Committee Bill No. 98 would prohibit any person from using a device to alter his or her name or telephone number on a caller identification display with the intent to defraud or cause harm and to prohibit telecommunications companies from charging customers for unauthorized services.

The Department would note that, Title 16 of the General Statutes of Connecticut limits the Department's jurisdiction to those companies offering traditional wireline services on an intrastate basis in Connecticut. Therefore, the Department's ability to enforce the provisions of Committee Bill 98 would be limited.

The Department also notes that Public Law No. 111-331, S.30: Truth in Caller ID Act of 2009, was signed into law by President Obama on December 22, 2010. Public Law No. 111-331 amends 47 U.S.C. 227 by prohibiting the provision of inaccurate Caller ID information and making unlawful:

for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted . . . (2) . . . (N)othing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

It is the Department's belief that given the newly enacted federal law, Connecticut-specific legislation may be unnecessary.

Regarding cramming, telephone company billing and collection services are unregulated and as noted above, the Department's jurisdiction over companies providing billing services is limited to certain intrastate telecommunications providers and services. The Federal Communications Commission (FCC) has however developed Truth-in-Billing rules that telephone companies must follow when billing customers. The FCC's rules require in part, that the companies identify the service provider associated with each charge on customer bills. If a bill contains charges in addition to basic local service, the

telephone company must distinguish between charges for which non-payment would result in disconnection of basic, local service, and those charges for which non-payment would not result in disconnection. Telephone companies must also display one or more toll-free numbers that consumers may call to dispute charges on their bill. Resolution of consumer complaints related to intrastate telecommunications services are addressed by the states (in this case the Department) and for those services provided between the states or on an international basis, by the FCC.

In some cases the telephone company may be acting as a billing agent for non-telephone services that it did not provide. Consumers should be proactive and question all charges appearing on their bills that they do not recognize or are for questionable services. The Department is aware of a number of cramming complaints associated with non-telephone services billed by The Southern New England Telephone Company d/b/a AT&T Connecticut (AT&T Connecticut). AT&T Connecticut has established procedures to address consumer disputes for non-telephone services provided by third parties. Accordingly, complaints for these types of services, are first directed to AT&T Connecticut and/or the third party for whom AT&T Connecticut is providing the billing function. If the customer is unable to resolve the dispute with either AT&T or the vendor, then the consumer may file a complaint with the Federal Trade Commission for resolution.

The Department thanks the Committee for the opportunity to submit testimony on this bill.